

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL FOLEY, et al.,

Plaintiffs,

vs.

JENNIFER MORRONE, et al.,

Defendants.

Case No. 2:13-cv-01639-APG-NJK

ORDER REGARDING PLAINTIFFS
 TMF, MAF AND EAF

On September 9, 2013, Plaintiff Michael Foley filed an application for leave to proceed *in forma pauperis* on behalf of himself. Docket No. 1. Plaintiff attached a complaint to his application that also named as Plaintiffs his minor children, TMF, MAF and EAF; however, he filed no application to proceed *in forma pauperis* for any of the children. *See* Docket No. 1-1. Even in the instance of minor children, however, *each* plaintiff must submit an application to proceed *in forma pauperis*. In addition, minors may not represent themselves and, instead, someone must apply to appear on their behalf as a guardian *ad litem* (that is an adult who will appear for them in court and be responsible for signing documents on their behalf). Plaintiff Michael Foley is not eligible to serve as the guardian *ad litem* for his children, as he has not alleged he is an attorney and non-attorneys are barred from bringing suit on behalf of others. *See Johns v. County of San Diego*, 114 F.3d 874, 876-77 (9th Cir. 1997) (“a parent or guardian cannot bring an action on behalf of a minor child without retaining a lawyer”).

Therefore, in the event that TMF, MAF and EAF intend to remain as Plaintiffs in this case, each must (1) file a completed Application to Proceed *In Forma Pauperis* explaining that he or she is a minor and describing his or her financial information (if any); and (2) have filed a motion to represent him or her as a guardian *ad litem* by an adult who has retained a lawyer.

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Accordingly, **IT IS ORDERED** that:

1. If Plaintiffs TMF, MAF and EAF intend to remain Plaintiffs in this matter, each must (1) file a completed and signed Application to Proceed *In Forma Pauperis* explaining that he/she is a minor and describing his/her financial information; and (2) have filed a motion to represent him or her as a guardian *ad litem* by an adult who has retained a lawyer.
2. Plaintiffs TMF, MAF and EAF shall have until **October 16, 2013** to file Applications to Proceed *In Forma Pauperis* and to have motions filed seeking representation through a guardian *ad litem*.
1. The Clerk of Court shall mail Plaintiffs three blank Applications to Proceed *In Forma Pauperis* for non-incarcerated litigants.
2. Alternatively to filing Applications to Proceed *In Forma Pauperis*, Plaintiffs may pay the \$400.00 filing fee no later than October 16, 2013.
3. Failure to comply with this Order will result in a recommendation to the District Judge that Plaintiffs TMF, MAF and EAF be dismissed as Plaintiffs.

IT IS SO ORDERED.

DATED: September 16, 2013



NANCY J. KOPPE
United States Magistrate Judge